

REGULAR meeting of the Board of Equal Rights Commission held Thursday, September 3, 2009 in room 301-A of City Hall, Milwaukee, Wisconsin.

PRESENT: George Williams, III
Michael Barndt
Ray Vahey
Ivan Gamboa
Renee Taylor
Genyne Edwards
Chris Her-Xiong
Staff: Maria Monteagudo, Employee Relations Director
Rebecca Reyes Duke, Commission Staff (Excused)
Heidi Galvan, Commission Attorney

Chairperson Williams called the meeting to order at 3:35 p.m.

Agenda Item #1

The minutes from the June 19, 2009, ERC meeting were approved. (Vahey/Gamboa)

Agenda Item #2

Maria Monteagudo reported that the reason this item was on the agenda was to allow the City Attorney's Office to update the Commission of the status of the Ordinance given the ruling by Judge Cooper and to inform the Commission that work was still being done on reviewing the feedback to the rules and drafting changes as necessary. A meeting with the City Attorney's Office to finalize the review of the feedback is scheduled for September 18th. Attorney Galvan reported that the City Attorney will decide whether the City will file an appeal to the injunction. As of the time of this meeting a final decision as to whether to file an appeal had not been made. The deadline to file is September 14th.

Agenda Item #3

Procurement Services Section Briefing

City Purchasing Director, Rhonda Kelsey, presented an overview of the work of the Business Operations Division and its three core functions: procurement services, document services, and the Emerging Business Enterprise (EBE) Program. Ms. Kelsey indicated that her presentation would focus on what she refers to as the social and economically responsible contracting requirements. The EBE Program plays a key role in monitoring and enforcing the participation requirements on all City contracts. All City agencies are required to include whenever feasible EBEs on contracts. The City procures approximately \$65 million in goods and services per year and there is an annual goal of 18% (instead of a contract by contract requirement). The reason why some departments may not be able to meet this requirement is because EBE's may not be available for all services and commodities the City seeks to procure. Ms. Kelsey described other programs that support the City's strategic goal of social and economic equity for all residents:

- Revolving Loan Program - assists small businesses with capital on contracts they have with the City or other governmental entities.
- Slavery Ordinance - contractors must disclose via an affidavit any activities tied to slavery.

- Ethical Purchasing Requirements - require apparel contractors to pay adequate wages and provide safe working conditions to employees.
- Fair Trade Ordinance - vendors must provide fair trade items.
- Milwaukee Opportunities Restoring Employment (MORE) – As of August 11th increased EBE participation contractor requirements on public works contracts from 18% to 25% (excluding professional services). Workforce development requirements were included that are designed to give city residents first opportunity at employment on City Development projects when the City is providing \$1million or more in funding assistance.
- Resident Preference Program - requires public works contractors and developers to hire 40% of workers from the City of Milwaukee.
- Prevailing Wage Requirements – developers must require contractors to pay prevailing wages to workers.
- Apprenticeship Ratios- ensure that there are adequate numbers of apprentices per journeymen on development projects.
- Local Business Enterprise Program – provides a 5% bid preference if local businesses meets required criteria for contract.

Per a request from Commissioner Barndt, Ms. Kelsey presented a summary of the findings of the Disparity Study that assessed whether there is discrimination in contracting procedures within the City of Milwaukee. The findings of the study (if they demonstrate significant disparity) are to be used in considering changes to the EBE Program requirements (which are now race and gender neutral). Ms. Kelsey explained that there were two phases to the study. Phase I focuses on quantitative issues looking at contracting data. If disparity exists, Phase II will be pursued and will include interviews with EBE firms and community based organizations that support small business. The full study will be completed in 2010 (with the quantitative section anticipated to be completed by the end of 2009). Policy makers will have to review the findings and determine the best course of action. The consultant was also charged with making recommendations as to how the City can do a better job of building capacity with small businesses.

Commissioner Taylor asked if anecdotal evidence would be considered and Ms Kelsey indicated it would if Phase I demonstrated significant disparity but the recommendation on how to build capacity will proceed independent of the findings on Phase I.

Commissioner Williams asked what Ms Kelsey would want to see the ERC do in support of her efforts. Ms. Kelsey replied that she would like the Commission to keep monitoring key policy issues in the City that are related equal rights. She indicated that requiring departments to brief the Commission on programs and services is an effective way to ensure that policies are equitable and the City goals are met.

Commissioner Barndt inquired as to whether Ms Kelsey was accountable to another policy body other than Council and how can the ERC be briefed on progress in relation to all the initiatives discussed. Ms. Kelsey replied that she would be happy to return to an ERC for additional briefings and that she also works with the Purchasing Appeals Board. Commissioner Taylor expressed concern with some provisions of the MORE Ordinance as she felt that some of the requirements may go against the goal of

inclusion and she is interested in what if any changes will be made to the ordinance. Ms. Kelsey informed the Commission that there is a monitoring provision that will require a report of the impact of the MORE Ordinance be presented to the Council in the fall of 2010 and she can share the report with the Commission.

Agenda Item #4

Committee Reports -Accountability Sub-Committee

Commissioner Barndt provided a report of the Accountability Sub-Committee. The Sub-Committee met and discussed the responsibility to issue a report card on the City's efforts in support of equal rights. This should be a step and have as an objective to accomplish early in 2010. The context discussed was to invite City departments respond to a survey that requires them to think about what they do within the framework of the Commission's work. The survey will be difficult to construct because the Commission can't have an expectation that departments will do a lot of extra work for the ERC. The survey will ask departments to report on critical examples of relevant programs and services they support and perform in relation to the City's equal rights goals. The survey will give departments an opportunity to "display" their work. The Commission should not use the "report card" to assess or critic; the first report card should be informative. Commissioner Taylor indicated that the initial goal was to have departments identify positive things they are doing in support of equal rights in Milwaukee. This would allow their work to be more visible within the framework of the Commission's work.

The focus of the survey will be to look at the way City programs operate in a way to advance equal rights. Employment and contracting consideration should also be included. Commissioner Barndt will work on a draft of the survey instrument. The focus should be how to ensure that City programs and services advance equal rights, how to ensure that City policies are designed and resources allocated to reduce disparities, and assessing whether City agencies are actively collaborating with the community. Consideration is also to be given to the extent to which departments understand what the conditions are that they are to be addressing and how to measure progress. The Sub-Committee wants to give department broad range in deciding what they report and contribute to in responding to the survey at this point. The ERC may decide later that some departments may need to come back to the Commission and report on other items that are relevant to the Commission. Commissioner Taylor added that a benefit will be that those agencies who don't fully understand the Commission's goal will be able to see what others are doing in an environment that is not threatening and may be able to benchmark what others are doing. Commissioner Gamboa requested that the Department of City Development be invited to the next ERC meeting for the purpose of presenting a briefing.

Community Engagement Sub-Committee

Commissioner Vahey reported that the Community Engagement Sub-Committee had reviewed the agency list prepared by staff and indicated that the Sub-Committee will have to narrow down the list to bring it in line with the Commission's goals of providing services related to issues of equity, equality, social justice, and quality of life for different Milwaukee communities. He requested input from other Commissioners in defining quality of life issues. He reported that the composition of the list was good but that it

should be “live” (searchable using key words). He also noted one category should be listed as health and disability instead of the other way around. He noted corrections that needed to be made to change the Center for Advocacy to Equality Wisconsin. The Sub-Committee felt that in order to have the most impact they needed to prioritize and deferred to Commissioner Edwards for follow up. Commissioner Edwards indicated that the Sub-Committee was going to work on guiding principles and a mission statement. She also asked Commissioners to look at the broad list of activities provided by staff earlier to determine what activities the ERC should pursue keeping in mind that we should not reinvent the wheel as there are many organizations in the community that engage in outreach activities that we don’t want to duplicate. Once the Sub-Committee narrows down its mission they can begin to look at activities that are already in place and send an introductory letter to the groups will be sent to all the agencies explaining the role and mission of the ERC and how to possibly engage with them in the future. One of the opportunities Commissioner Edwards discussed was the Mosaic Partnerships Program and the fact that she was nominating all the Commissioners to participate in the Program this year. There are also other race relations programs supported by the YWCA, Professional Dimensions, Aurora and the Sub-Committee wants to look at what those other programs are doing.

The Sub-Committee needs another Commissioner and staff support to get its work done. Ms. Monteagudo reported that Rebecca will be the contact person and that ITMD personnel continue on the changes to the website to make the agency list searchable. She will contact the Sub-Committee when the website is ready to go. Commissioner Gamboa volunteered to offer help (with a commitment to be made at the next meeting) given that the PSLO Sub-Committee’s work is on hold. Commissioner Williams noted that he would like to see an activity that recognizes individuals who have dedicated their lives to support equal rights.

Commissioner Barndt indicated that it will be important to establish key alliances with a small number of organizations in the community and encouraged the Sub-Committee to reach out to key organization to determine from their point of view the value the ERC can provide in support of their work. Commissioner Edwards indicated that she will send nomination packet to Mosaic next week. Commissioner Vahey noted that the AIDS Resource Center may be a key organization to reach out to in the healthcare area.

Agenda Item #5

ERC Website Update

Ms. Monteagudo wanted clarification as to the understanding that the agency list is not to be posted on the website until it is finalized.

Agenda Item #6

The next meeting of the Commission was scheduled for October 12, 2009, at 3:30pm. The meeting adjourned at 4:30pm. Commissioner Barndt moved, seconded by Commissioner Taylor.